SYNOPSIS OF COMPLAINT

Complainant:

Captain Frank Vadurro
Transit Services Bureau
2000 E. Imperial Highway
Los Angeles, Ca. 90059
(213) 563-5000

Subject:

Robert Blanks, Deputy, #[redacted]
Transit Services Bureau
Field Operations Region II

Character of Case:

Unnecessary Force

Assigned Investigator:

Lawrence P. Gump, Lieutenant
Transit Services Bureau
Field Operations Region II

Date and Location:

October 19, 1991
Central Control Facility
2000 E. Imperial Highway, Los Angeles

Complaint:

Deputy Blanks is alleged to have twisted and broken a juvenile's arm while attempting to have the juvenile remove his jacket so he could be photographed. The juvenile had been cited for fare evasion and was not in custody at the time.

SUMMARY OF FACTS

The Findings

This investigation revealed that on October 19, 1991, at about 1645 hours, Deputies Selenak and Claus were inspecting fares on the Blue Line's 103 Street Platform. They discovered that two juveniles, [redacted] and [redacted], were misusing fare media. Since neither had satisfactory identification and [redacted] doesn't provide Juvenile Automated Index information over the radio, the deputies escorted the juveniles to the Central Control Facility Lobby so they could ascertain their identification prior to issuing them citations for violating Penal Code Section 640b.

Deputies Selenak and Claus successfully verified [redacted] and [redacted] identity and had them sign their citations (Exhibit A). Subject Blanks, who was sitting at his desk in the detective office and could see the juveniles being cited in the lobby, asked Deputy Claus to photograph [redacted] and [redacted] so their photos could be included in a detective unit photo file of arrestees and fare evaders. Deputy Claus photographed [redacted] and sent him outside to wait for [redacted].

Deputy Claus then took a photograph of [redacted]. Subject Blanks entered the lobby and asked Deputy Claus to take another photograph of [redacted], this time without his cap and jacket. [redacted] admits that he displayed a bad attitude and became stubborn. He said he told Subject Blanks he would take his cap off but wasn't going to take his jacket off. [redacted] said Subject Blanks got very stern with him, grabbed his left wrist, and forced his arm behind his back, almost to the point where his hand seemed like it was going to touch his neck. He heard a loud cracking sound whereupon Subject Blanks let go of his arm and walked back to his desk without saying or doing anything else. [redacted] felt extreme pain in his upper left arm and was unable to move it. Paramedics arrived shortly thereafter and he was taken to MLK hospital.

Subject Blanks said that when he asked Deputy Claus to have [redacted] take his jacket off, [redacted] said,"fucking little punk, I ain't taking my jacket off." Subject Blanks said that when he approached [redacted], [redacted] again said, "you ain't taking my jacket off," and started to recoil and fling his left arm away from Subject Blanks. Subject Blanks didn't feel threatened but didn't want [redacted] to hurt himself by striking his hand against the wall, so he gently grasped his left wrist to bring his arm down to his side. [redacted] jerked his arm away and a loud snap was heard. Subject Blanks said that [redacted] has a very frail physique and that it appeared that the sudden rearward movement is the apparent cause of the injury. He re-emphasized that his physical contact with [redacted]'s left wrist was so light that it couldn't have been sufficient force to break his arm.

Deputy Selenak's accounting of events was the same as Subject

Blanks up to the point where [redacted] refused to remove his jacket. He said that he was on [redacted]'s right side and Subject Blanks was on [redacted]'s left side. When [redacted] said, "I ain't taking off my fucking jacket," he and Subject Blanks grabbed [redacted]'s jacket near the shoulders and started to peel it downward. [redacted] jerked his left arm rearward and Subject Blanks grabbed him by the left wrist and brought his arm down to his side. He said [redacted] twisted his body to get away from Subject Blanks, but his left arm remained stationary in Subject Blank's grasp. Deputy Selenak heard a popping sound, whereupon Subject Blanks released [redacted]'s arm. Deputy Selenak said it appeared that the injury was caused from [redacted]'s twisting of his body away from Subject Blanks.

Deputy Claus also stated the same as Subject Blanks and Deputy Selenak up to the point where Subject Blanks asked [redacted] to take his jacket off. At that time Claus was holding the camera up to his face and was trying to focus his eye while looking through the viewfinder. He said the camera was up to his eye for about thirty seconds and although he heard [redacted] refusing to remove his jacket, he did not see anything until the incident was over. When he did look up after hearing a cracking sound, he saw Subject Blanks letting go of [redacted]'s hand.

[redacted] said he was outside of the building at the time and did not see what happened. [redacted], an Excel security officer on duty in the lobby at the time, was interviewed shortly after the incident and said he did not see or hear anything. At a second interview several weeks later he said he saw [redacted] before and after the incident and heard the verbal exchange regarding the removal of the jacket; however, he did not see the part of the incident when [redacted]'s arm got broken.

[redacted] was taken to MLK Hospital where he was diagnosed as having a broken arm. His arm was placed in a sling and he was told to see his personal doctor at Orthopaedic Hospital. Doctor Timothy Tyler, a physician at Orthopaedic Hospital, examined [redacted] and said [redacted] sustained a fractured humerus (upper arm bone) just beneath the shoulder joint. He said that [redacted] has a muscle disease but his bone strength isn't much affected. If a deputy weren't aware of [redacted]'s muscle disease, and used an amount of force that would otherwise be appropriate on a healthy person, such force would be sufficient to cause this fracture. It is Doctor Tyler's opinion that nonetheless, it still would have taken a substantial amount of force to break this bone. He specifically said that it could not have been broken by [redacted]'s flailing or by someone holding it stationary at his side.

On November 16, 1991, a civil claim for $100,000.00 was filed against the County.

SUMMARY OF INTERVIEW

[redacted]

[redacted], [redacted], [redacted], phone number [redacted] was interviewed on October 20, 1991, at 1430 hours by Lieutenant Gump of the Transit Services Bureau. He stated as follows:

1. My Cousin, [redacted], and I were standing on the 103 Street platform when Deputies Selenak and Claus checked our passes.

2. When the deputies discovered that I had loaned my "Disabled Persons" pass to [redacted], they took us to the Blue Line Headquarters to issue us citations.

3. After I signed the citation, Deputy Blanks said he wanted to take some pictures of me. I didn't want my picture taken and was a little stubborn in complying with their orders to stand up against the wall.

4. After a couple of photographs were taken, Deputy Blanks wanted me to take my jacket and cap off. I took my cap off but told Deputy Blanks I wasn't going to take my jacket off.

5. I showed a bad attitude and Deputy Blanks got stern with me. He grabbed my left wrist and forced my arm behind my back.

6. He had my left hand almost touching my neck and then he let go when there was a loud cracking sound. When my arm dropped down I felt an extreme pain. My arm just hung at my side and I was unable to move it without severe pain.

7. Deputy Blanks didn't say or do anything more. He just walked out of the lobby and sat down at a desk in the office.

8. You (referring to Lt. Gump) came to the lobby shortly thereafter and asked me questions. I was then taken to the hospital.

9. The next day I went to the Orthopedic Hospital. The doctor said my arm was broken.

SUMMARY OF INTERVIEW

[redacted]

[redacted] #[redacted], [redacted], phone [redacted], was interviewed on October 20, 1991, at 1400 hours by Lieutenant Gump of the Transit Services Bureau. He stated substantially as follows:

1. Two deputies escorted my cousin, [redacted], and me from the 103 Street train station to the police station (Central Control Facility) to check on our identification and to give us citations.

2. After I signed my citation, one of the deputies took my picture and told me I could go. I went outside to wait for my cousin.

3. I didn't see anything that happened inside after I left and didn't realize there was a problem until the paramedics came.

SUMMARY OF INTERVIEW

Robert O. Blanks

Deputy, #[redacted], Transit Services Bureau, Field Operations Region II, was interviewed on December 13, 1991, at 2130 hours by Lieutenant Lawrence Gump, Transit Services Bureau. Prior to the interview commencing, Subject Blanks was given a copy of his Administration Rights Card (attached) which he signed, dated and indicated he understood. The Subject stated substantially:

1. On October 19, 1991, at approximately 1730 hours, Deputies Selenak and Claus brought two juveniles into the Central Control Facility Lobby to ascertain their identities and to cite them for fare evasion.

2. We maintain a photo file of arrestees and fare evaders in the detective unit, so I asked Deputy Claus to take a photo of the juveniles, one of whom was [redacted].

3. Deputy Claus had taken one photo of [redacted], but I wanted an additional photo of him without wearing a cap and jacket. The reason for this was so we could have a photograph with better identification value.

4. When I asked Deputy Claus to take another photo without the jacket, [redacted] became very belligerent and said, "fucking little punk, I ain't taking my jacket off."

5. I approached [redacted]. As I did, he told me, "you ain't taking my jacket off," and pulled his arms back.

6. It appeared that his recoiling and flinging arm was going to strike the wall behind him. I didn't feel threatened but I didn't want him to hurt himself, so I very gently grasped near his left wrist to bring his arm down to his side.

7. I had been holding his arm very lightly and wasn't applying pressure when he suddenly jerked his arm away from me. I heard a snapping sound coming from his arm as he pulled back.

8. [redacted]'s physique is very frail and it appeared that his arm broke as a result of the sudden rearward movement. My physical contact with him was so light that it couldn't have caused the injury.

9. After hearing the snap, I left [redacted] with Deputy Claus and returned to my desk to telephone Sergeant Green regarding the incident.

SUMMARY OF INTERVIEW

Randy S. Selenak

Deputy, #[redacted], Transit Services Bureau, Field Operations Region II, was interviewed on December 14, 1991, at 1240 hours by Lieutenant Lawrence Gump, Transit Services Bureau. Prior to the interview commencing, Deputy Selenak was given a copy of his Administrative Rights Card (attached), which he signed, dated and indicated he understood. Deputy Selenak stated substantially:

1. On October 19, 1991, at approximately 1645 hours, Deputy Claus and I were inspecting fares on the 103 Street Platform. We saw that two juveniles, [redacted] and [redacted] had misused fare media, in violation of Penal Code Section 640b.

2. Neither juvenile had satisfactory identification and [redacted] does not give Juvenile Automated Index information over the air, so we took them to the Central Control Facility Lobby to ascertain their identities and to issue them citations.

3. Deputy Claus identified [redacted] and cited him. I verified [redacted]'s identity by telephoning his aunt ([redacted]) and issued him a citation, which he signed.

4. Deputy Blanks was in the detective office and asked Deputy Claus to take photographs of the juveniles for inclusion in the detective's photo file. Deputy Claus took [redacted]'s photo without incident and sent him outside the building to wait for [redacted].

5. Deputy Claus then took [redacted]'s photo. Deputy Blanks asked Claus to take another picture of [redacted] without his jacket so it could be ascertained if he had any gang related tatoos.

6. [redacted] became belligerent and said, "I ain't taking off my fucking jacket."

7. I was standing on [redacted]'s right side and Blanks was standing on his left side. We both took hold of [redacted]'s loose fitting jacket and started to peel it downward.

8. [redacted] jerked his left arm rearward. Deputy Blanks grabbed [redacted]'s wrist with both hands and brought it down to his side. It appeared that he used just enough force to keep [redacted]'s arm from flailing.

9. [redacted] twisted his body to get out of Blank's grasp, but his arm remained where Blank's was holding it. I heard a popping sound whereupon Deputy Blanks immediately let go.

10. Sergeant Green and Lieutenant Gump were notified and paramedics arrived shortly thereafter.

11. The only other persons in the lobby were the security guard and Deputy Claus.

SUMMARY OF INTERVIEW

Robert M. Claus

Deputy, #[redacted], Transit Services Bureau, Field Operations Region II, was interviewed on December 14, 1991, at 1525 hours by Lieutenant Lawrence Gump, Transit Services Bureau. Prior to the interview commencing, Deputy Claus was given a copy of his Administrative Rights Card (attached), which he signed, dated and indicated he understood. Deputy Claus stated substantially:

1. On October 19, 1991, at approximately 1645 hours Deputy Selenak and I escorted [redacted] and [redacted] to the Central Control Facility Lobby to ascertain their identities and to issue them citations for misuse of fare media.

2. After we verified their identities and issued the citations, Deputy Blanks asked me to take photographs of [redacted] and [redacted] for his files.

3. I took [redacted]' picture first and sent him on his way. I then took a photo of [redacted].

4. Deputy Blanks asked me to take another picture of [redacted], so I held the camera up to my eye. I couldn't see what was happening because I was looking through the view finder. The camera was up to my face for a total of about thirty seconds, during which my vision was restricted.

5. I heard Deputy Blanks ask [redacted] to remove his cap and jacket. [redacted] said, "I ain't taking off my fucking jacket."

6. The next thing I heard was a cracking sound. When I looked to see what had happened, all I saw was Blanks letting go of [redacted]'s left hand. [redacted]s arm seemed to be hanging limp at his side, and he looked like he was in pain.

SUMMARY OF INTERVIEW

[redacted]

Business address of [redacted] Maple Avenue, Gardena, phone [redacted] was interviewed on October 19, 1991, at 1855 hours by Lieutenant Gump of the Transit Services Bureau. He stated substantially as follows:

1. I am an Excel security officer and was on duty in the Central Control Facility Lobby during the altercation that occurred a little over an hour ago.

2. I was sitting at my desk and did not see what happened because the counter was blocking my view. I didn't look up until after whatever happened had already occurred.

3. I wasn't paying attention to what was going on, so I don't know what was said.

SUMMARY OF INTERVIEW

[redacted]

Business address of [redacted] Maple Avenue, Gardena, phone [redacted] was re-interviewed on December 15, 1991, at 1935 hours by Lieutenant Gump of the Transit Services Bureau. He stated substantially as follows:

1. I saw two deputies bring two juveniles into the lobby.

2. After a short period of time, a third deputy with blond hair that is kinda combed back, came in to the lobby and told the frail juvenile ([redacted]) to take his jacket off.

3. At that time the three deputies were standing around the juvenile near the curved wall.

4. The juvenile was very uncooperative and refused to take his jacket off.

5. I didn't see what happened after that because I was sitting down and couldn't see over the counter.

6. When I looked up, the juvenile was complaining about pain in his arm.

7. I think the reason his arm got broken was because he was so emaciated.

SUMMARY OF INTERVIEW

Timothy Tyler

Business address of [redacted] South Flower Street, Los Angeles, phone number [redacted] was interviewed on October 20, 1991, at 1420 hours by Lieutenant Gump of the Transit Services Bureau. He stated substantially as follows:

1. I am an emergency room doctor at Orthopaedic Hospital. I examined [redacted] a few minutes ago.

2. X-rays show that he has a fractured left humerus, about two inches below his shoulder joint.

3. [redacted] has several medical problems including a muscle disease; however, he doesn't have any bone diseases that would make his bones brittle.

4. His bones may be slightly weaker insofar as his atrophied muscles don't exercise the bones as a normal person's does, nor do they have as much muscle for protection.

5. It still would have taken a substantial amount of force to break this bone. It is my opinion that if a deputy wasn't aware of [redacted]'s muscle disease, and used an amount of force that would otherwise be appropriate on a healthy person, such force would be sufficient to cause this fracture.

6. This fracture could not have occurred by [redacted] flailing his arm or by someone holding it stationary by his side.

7. It cannot be determined from X-rays whether the fracture was caused by a twist or other movement.